

01-09-02

JC973 U.S. PTO
12/28/01

UTILITY PATENT APPLICATION TRANSMITTAL (CONTINUATION CLAIMING BENEFIT OF PROVISIONAL APPLICATION) (New Nonprovisional Applications Under 37 CFR § 1.53(b))			Attorney Docket No. 50277-1767
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JC903 U.S. PRO
10/040500
12/28/01

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of () application identifier or (X) first named inventor, David J. LONG, et al. entitled CATEGORIES ON A PER INSTANCE BASIS for a(n):

() Original Patent Application.

(X) Continuing Application (prior application not abandoned):

(X) Continuation () Divisional () Continuation-in-part (CIP)
of prior application No: 09/853,823 Filed on: May 11, 2001, which claims the benefit of prior provisional application No: 60/204,196 Filed on: May 12, 2000.

(X) A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

(X) Specification: 45 Total Pages; (X) Drawing(s): 19 Total Sheets.

(X) Oath or Declaration:

() A Newly Executed Combined Declaration and Power of Attorney:
() Signed. (X) Unsigned. () Partially Signed.

() A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).
() Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference in its entirety for all purposes.

() Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

() Revocation and Appointment of New Power of Attorney, which is copied from the prior application for continuation/divisional is supplied.

(X) Return Receipt Postcard.

() Associate Power of Attorney. (X) A Check in the amount of \$1,190.00 for the Filing Fee.

() Preliminary Amendment. () Information Disclosure Statement and Form PTO-1449.

(X) Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)

(X) A Duplicate Copy of this Form for Processing Fee.

() A Certified Copy of Priority Documents (if foreign priority is claimed).

() Applicant(s) is entitled to small entity status. See 37 CFR 1.27.

() Statement(s) of Status as a Small Entity Filed in Prior Application, Status Still Proper and Desired.

(X) Other: Fee Transmittal (in duplicate)

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	45	25	\$18.00	\$ 450.00
Independent Claims	2	0	\$84.00	\$ 0.00
Multiple Dependent Claims (if applicable)				\$0.00
Assignment Recording Fee				\$0.00
Basic Filing Fee				\$740.00
			Total Filing Fee	\$ 1,190.00

Charge \$ _____ to Deposit Account 50-1302 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to above deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

By: Cheryl A. Eichstaedt
Cheryl A. Eichstaedt, Reg. No. P50,761

Date: December 28, 2001

Correspondence Address:

29989
PATENT & TRADEMARK OFFICE

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

By: Tirena Say

Typed Name: Tirena Say
Express Mail Label No.: EL734971193US
Date of Deposit: December 28, 2001

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.
Small Entity payments must be supported by a small entity statement,
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
See 37 C.F.R. §§ 1.27 AND 1.28

TOTAL AMOUNT OF PAYMENT **(\$ 1,190.00)**

Complete if Known

Application Number	NYA
Filing Date	December 28, 2001
First Named Inventor	David J. LONG, et al.
Examiner Name	NYA
Group/Art Unit	NYA

Attorney Docket No. **50277-1767**

METHOD OF PAYMENT (check one)

1. Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Deposit Account Number **50-1302**

Deposit Account Name **Hickman Palermo Truong & Becker, LLP**

2. Payment Enclosed:

Check Money Order Other

3. Applicant(s) is entitled to small entity status.
See 37 CFR 1.27

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee \$	Small Entity Fee Code	Small Entity Fee \$	Fee Description	Fee Paid
105	130	205	65	Surcharge – late filing fee or oath	
127	50	227	25	Surcharge – late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive – unavoidable	
141	1,280	241	640	Petition to revive – unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	690	246	345	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	690	249	345	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) _____					
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$ 0.00)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Cheryl A. Eichstaedt	Registration No. (Attorney/Agent)	P50,761	Telephone	(408) 414-1080
Signature	<i>Cheryl A. Eichstaedt</i>			Date	December 28, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box Patent Applications, Commissioner for Patents, Washington, DC 20231.

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	David J. LONG, et al.
Title	CATEGORIES ON A PER INSTANCE BASIS
Atty. Docket Number	50277-1767

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 26, 2001

Date

Cheryl A. Eichstaedt

Signature

Cheryl A. Eichstaedt (Reg. No. P50,761)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box Patent Applications, Commissioner for Patents, Washington, DC 20231